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GILBERTO CARRILLO,

DOUGLAS GILLESPIE, et al.,

Plaintiff,

Defendants.

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vs.

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UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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2:12-cv-02165-JCM-VCF

ORDER

Before the Court are Plaintiff's Belated Motion to Extend Discovery (#122) and Defendants' Motion to Extend Dispositive Motion Deadline (#127).

**I.** Plaintiff's Belated Motion to Extend Discovery (#122)

In Plaintiff's Motion to Extend Discovery, he seeks to extend discovery by sixty days. (#122). On December 6, 2013, Defendants filed their Opposition to Plaintiff's Belated Motion to Extend Discovery. (#124). Defendants argue that pursuant to Local Rule 26-4, requests to extend discovery must be filed at least twenty-one days prior to the date fixed for completion of discovery by the scheduling order and Plaintiff has failed to comply with this rule. Defendants state that Plaintiff's Motion is barren of facts which demonstrate why an additional extension of discovery is necessary. *Id*.

II. Defendants' Motion to Extend Dispositive Motion Deadline (#127)

Defendants seek to extend dispositive motion deadline and the deadline to file a joint pre-trial order. Two of the three Defendants seeking relief have pending Motions to Dismiss (#'s 63 & 92) and no trial date has been set.

## III. Discussion

Plaintiff failed to provide the Court a reason to extend discovery deadlines. Plaintiff leaves it up to the Court and Defendants' to determine if any discovery remains. Pursuant to LR 26-4, Plaintiff failed to timely file his request to extend discovery cut-off and has not demonstrated excusable neglect associated with his failure to timely comply. Plaintiff's Belated Motion to Extend Discovery (#122) is denied. The Court has considered Plaintiff's Motion for an Extension of Time to Respond to Defendant's Opposition to his Motion to Extend Discovery (#128) and it is denied.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Belated Motion to Extend Discovery (#122) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion for an Extension of Time to Respond to Defendant's Opposition to his Motion to Extend Discovery (#128) is DENIED.

IT IS FURTHER ORDERED that Defendants' Motion to Extend Dispositive Motion Deadline (#127) is GRANTED and the following extensions apply:

- 1. Dispositive Motions shall be filed and served no later than March 2, 2014.
- 2. The Joint Pretrial Order is due thirty (30) days after the dispositive motions deadline, or on April 3, 2014. If dispositive motions are filed, the joint pretrial order is due thirty (30) days from the entry of the court's rulings on the motions or by further order of the court.

All else as stated in the Discovery Plan and Scheduling Order (#56) remains unchanged.

DATED this 2nd day of January, 2014.

CAM FERENBACH

UNITED STATES MAGISTRATE JUDGE

Buc.